

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

CIVIL ACTION No. 04-11934-GAO

NOAH GREENBERG,
Plaintiff

v.

TOWN OF FALMOUTH and
GANNETT FLEMING, INC.,
Defendants

**AFFIDAVIT OF NOAH GREENBERG SUBMITTED IN OPPOSITION TO THE
DEFENDANTS' CROSS-MOTIONS FOR SUMMARY JUDGMENT**

I, Noah Greenberg, hereby state and depose as follows:

1. I am the plaintiff in the above-captioned matter.
2. I am a licensed architect and have worked as an architect for 34 years.
3. In 1994 and 1998 I prepared preliminary architectural drawings for the Town of Falmouth relative to its Public Works Maintenance Facility building.
4. The defendant Gannett Fleming, Inc., has prepared preliminary and final architectural plans for the same project. Copies have been provided to me.
5. I have reviewed the Plaintiff's Opposition to Defendants' Cross Motions for Summary Judgment submitted with this affidavit and the reproductions of my drawings and Gannett Flemings's plans presented in the opposition.
6. The respective reductions are to scale, meaning that all dimensions of each drawing have been similarly reduced. Room designations, hatch marks, and notes have been removed because the same are not relevant to a comparison and only made a comparison more difficult.
7. The respective drawings contain a common 28-foot dimension (among other common dimensions). The reproductions in the opposition are to scale (as above) and have been prepared so that the 28-foot dimension is the same measurement in the respective|compared drawings. In this way, the drawings are to the same scale. This exercise was difficult to accomplish precisely, and the comparative scales appear to be precise within 1/32 of an inch. Some of this discrepancy is due to differences in depicting walls. The discrepancy should not at all affect the comparisons made.

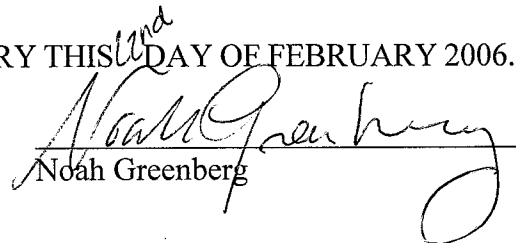
8. The measured dimensions identified on the drawings are calculated from the drawings themselves and are accurate. Some dimensions were not precisely indicated on Gannett Fleming plans, and my best estimate was made and should be highly accurate.

9. In each reproduction, north is to the top center, generally.

10. One reproduction reflects my drawing with a rectangle added. The scale and indicated dimensions are accurate as above. The description at footnote five of Plaintiff's Opposition to Defendants' Cross Motions for Summary Judgment is accurate.

11. The reproductions in the Plaintiff's Memorandum of Law in Support of Motion for Summary Judgment were prepared as described herein and are similarly accurate.

SIGNED UNDER THE PENALTIES OF PERJURY THIS ^{12th} DAY OF FEBRUARY 2006.


Noah Greenberg